

# **MINUTES**

## **THE REGULAR MEETING OF THE BOARD OF ALDERMEN CITY OF BRANSON, MISSOURI June 14, 2011**

### **INTRODUCTORY**

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on June 14, 2011, at 7:00 p.m. Mayor Presley called the meeting to order with the "Pledge of Allegiance" and Jerry Adams gave the invocation.

### **ROLL CALL**

City Clerk Westfall called roll: Mayor Presley presiding, Bob Simmons, Rick Davis, Cris Bohinc, Rick Todd, Patrick Parnell and Mike Booth present.

Also present from the City were: City Administrator Dean Kruithof, City Attorney William Duston, City Clerk Lisa Westfall, Communications Director Jerry Adams, Information Technology Director D.J. Cline, Assistant Public Works Director Keith Francis, Utilities Director Mike Ray, Economic Development Director Garrett Anderson, Planning and Development Director Jim Lawson, Acting Chief of Police Steve Dalton and Finance and Personnel Director Lori Helle.

### **EMPLOYEE OF THE MONTH**

Alderman Bohinc presented Laura Cather of the Finance/Personnel Department as the June Employee of the Month in recognition for her extra effort associated with the licensing of city businesses this year.

### **PUBLIC COMMENT**

Mayor Presley began the Public Comments section of the Board of Aldermen meeting by stating the Board would hear citizens that signed the Speaker's Sheet in the order they are listed on the sheet.

There were no speakers this evening.

# CONSENT AGENDA

Mayor Presley asked if there were any citizens that had any items they wished to have removed from the Consent Agenda for further discussion. Hearing none, Mayor Presley requested Bill No. 3931 be removed from the Consent Agenda and placed as the first item on the Regular Agenda. Mayor Presley asked if any member of the Board had any items they wished to have removed from the Consent Agenda. Hearing none, Mayor Presley asked City Clerk Westfall to read the items on the Consent Agenda as amended. City Clerk Westfall read the following Consent Agenda items by title.

Approval of the Board of Aldermen Minutes:

- a) May 19, 2011 Special Meeting
- b) May 24, 2011 Special Meeting
- c) May 24, 2011 Regular Meeting

Acknowledge Receipt of Minutes:

- a) Board of Adjustment meeting of March 24, 2011
- b) Budget and Finance meeting of April 25, 2011

## **BILL NO. 3932**

**Ord. No. 2011-0053**

**The Board of Aldermen of the City of Branson, Missouri, approving the Second Amendment to Petition for the establishment of the Branson Commerce Park Community Improvement District.**

Final reading of Bill No. 3932, an ordinance of the Board of Aldermen of the City of Branson, Missouri, approving the Second Amendment to Petition for the establishment of the Branson Commerce Park Community Improvement District was read by title by City Clerk Westfall. Voting aye: Simmons, Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Motion carried. Ordinance No. 2011-0053 was duly enacted.

## **BILL NO. 3933**

**Ord. No. 2011-0054**

**Approving a planned development amendment to PD 2006-006 for the properties located at 1984 S. Highway 165, Branson, Missouri.**

Final reading of Bill No. 3933, an ordinance approving a planned development amendment to PD 2006-006 for properties located at 1984 S. Highway 165, Branson, Missouri, was read by title by City Clerk Westfall. Voting aye: Simmons, Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Motion carried. Ordinance No. 2011-0054 was duly enacted.

## **BILL NO. 3934**

**Ord. No. 2011-0055**

**Approving a planned development and adopting Land Use Regulations PD-11-002 for Branson View Cabins at 1901 Shepherd of the Hills Expressway, Branson, Missouri.**

Final reading of Bill No. 3934, an ordinance approving a planned development and adopting Land Use Regulations PD-11-002 for Branson View Cabins at 1901 Shepherd of the Hills Expressway, Branson, Missouri was read by title by City Clerk Westfall. Voting aye: Simmons, Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Motion carried. Ordinance No. 2011-0055 was duly enacted.

Mayor Presley opened the floor for a motion to approve all items on the Consent Agenda as amended. Alderman Davis moved to approve, seconded by Alderman Todd. Voting aye: Simmons, Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Motion carried.

## **REGULAR AGENDA**

### **BILL NO. 3931**

**Ord. No. 2011-0052**

**Amending the adopted 2011 budget for the City of Branson, to adjust monies for the general fund.**

Final reading of Bill No. 3931, an ordinance amending the adopted 2011 budget for the City of Branson, to adjust monies for the general fund and authorizing the Mayor to execute the same was read by title by City Clerk Westfall and a staff report was presented by Administrator Kruithof. Mayor Presley asked for a motion approving Bill No. 3931. Alderman Bohinc moved to approve, seconded by Alderman Booth. Discussion. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Bohinc, Todd, Parnell and Booth. Nays: Simmons and Davis. Motion carried. Ordinance No. 2011-0052 was duly enacted.

### **PRESENTATION BY COCHRAN HEAD VICK & CO. REGARDING THE COMPREHENSIVE ANNUAL FINANCE REPORT (CAFR)**

City Administrator Kruithof provided the introduction and a presentation by Cochran Head Vick & Co. regarding the Comprehensive Annual Finance Report (CAFR) was made. Mayor Presley asked if anyone in the audience had questions or comments. Hearing none, Mayor Presley asked for comments or questions from the Board. Discussion.

### **UPDATE BY LORI HELLE ON MONTHLY FINANCIAL REPORTS**

City Administrator Kruithof provided the introduction and an update on monthly financial reports was made by Lori Helle. Mayor Presley asked if anyone in the audience had questions or comments. Hearing none, Mayor Presley asked for comments or questions from the Board. No discussion.

### **BILL NO. 3928**

**The Board of Aldermen of the City of Branson, Missouri, approving a petition to add certain real property to the Branson Hills Infrastructure Facilities Community Improvement District.**

First Reading of Bill No. 3928, an ordinance of the Board of Aldermen of the City of Branson, Missouri, approving a petition to add certain real property to the Branson Hills Infrastructure Facilities Community Improvement District was read by title City Clerk Westfall and stated this bill was postponed at the May 10, 2011, regular Board of Aldermen meeting in order to address concerns among citizens regarding this bill. Bill No. 3928 has already had its first reading, motion, second and is now ready for additional discussion and a vote. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Barry Schwartz, 245 Country Bluff Drive, Branson, Missouri, stated he is a member of the Branson Hills Infrastructure Facilities Community Improvement District Board and reported since the last regular Board of Aldermen meeting, the CID Board had met with citizens of the district to resolve issues. Mr. Schwartz said he believes all issues have been resolved and at the next CID Board meeting a resolution will be passed of recommendations for two new CID Board members which will be given to the Mayor in the near future. He commented the reason for the addition of property into the district is because the property is contiguous to the district and it was asked of the developer who acquired the land after the district was formed to petition to join the district to enjoy the benefits of the CID. Mr. Schwartz added there are no requirements of the district to spend any dollars for infrastructure.

Tom Heffron, 112 Pebble Beach Court, Branson, Missouri, stated there have been several meetings between the homeowners in the CID and the CID Board and feels issues have been resolved between the two parties and stated the CID Board is taking action to assist the citizens and the citizens no longer oppose either of the petitions. Mr. Heffron stated he is hopeful that there will be homeowner representation on the CID Board in the future. Mayor Presley asked for comments from the Board. Discussion. Voting aye: Simmons, Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Motion carried.

#### **BILL NO. 3929**

**The Board of Aldermen of the City of Branson, Missouri, approving a written request to remove certain real property from the Branson Hills Infrastructure Facilities Community Improvement District.**

First Reading of Bill No. 3929, an ordinance of the Board of Aldermen of the City of Branson, Missouri, approving a written request to remove certain real property from the Branson Hills Infrastructure Facilities Community Improvement District was read by title by City Clerk Westfall and stated this bill was postponed at the May 10, 2011 meeting in order to address concerns among citizens regarding this bill. Bill No. 3929 has already had its first reading, motion, second and is now ready for additional discussion and a vote. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Simmons, Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Motion carried.

#### **BILL NO. 3935**

**Approving a Pre-Annexation Agreement including provisions for sewer service and building code requirements for the property owned by Church Army USA, Inc. located at 211 Gooseberry Court.**

First Reading of Bill No. 3935, an ordinance approving a Pre-Annexation Agreement including provisions for sewer service and building code requirements for the property owned by Church Army USA, Inc. located at 211 Gooseberry Court and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall and a staff report was presented by Administrator Kruithof and Mike Ray. Mayor Presley asked for a motion approving Bill No. 3935. Alderman Bohinc so moved, seconded by Alderman Simmons. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Kevin Hunt, with Church Army stated most of the organization's homes have 10 residents and 2 staff members and commented this house is a larger

house and 14 residents would be the maximum staying at this residence. Mr. Hunt mentioned at the time the house was purchased he was unaware of the sewer problem and stated it costs \$75 a week to have the septic tank pumped. Mr. Hunt stated he has been working on this issue for about 2 years now and stated he would like to see a new sewer system for the home. He stated the property is not zoned as commercial property and Church Army does not plan to further develop the land at this property as they are content with the current size of their organization in Branson. Mayor Presley asked for comments from the Board. Discussion. Voting aye: Simmons, Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Motion carried.

#### **RESOLUTION NO.**

**2011-R016**

#### **Extending the original package liquor licenses for Branson Golf Resort, LLC and Professional Hotel Management, LLC.**

A Resolution extending the original package liquor licenses for Branson Golf Resort, LLC and Professional Hotel Management, LLC was read by title by City Clerk Westfall and a staff report was presented by Administrator Kruithof. Mayor Presley asked for a motion adopting the resolution. Alderman Booth moved to adopt, seconded by Alderman Todd. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Mayor Presley called for the vote on the Resolution. Voting aye: Simmons, Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Motion carried. Resolution No. 2011-R016 was adopted.

**Meeting recessed at 8:17 p.m. and reconvened at 8:28 p.m.**

## **DISBURSEMENTS**

Mayor Presley stated the next item was review of disbursements for April 21, 2011, through May 19, 2011, and asked if there were any questions regarding the disbursements. [See Master File for copies of disbursements.] Mayor Presley asked for a motion acknowledging the receipt of disbursements from April 21, 2011, through May 19, 2011. Alderman Bohinc so moved, seconded by Alderman Simmons. Voting aye: Simmons, Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Motion carried.

## **MAYOR/ALDERMEN/ADMINISTRATOR'S REPORTS**

Alderman Todd reported on attending the Capital Improvements Committee meeting and stated the City has received notification from the DNR stating the City is now required to have a storm water management plan since the City has reached a 10,000 population level. He stated there are extensive requirements encompassing this plan and will take a significant amount of work to complete. Alderman Todd thanked Keith Francis and Michael Pinkley for educating him on this issue. He added the engineering project report on the Veterans Bridge is complete and provided an estimate of approximately \$900,000 to repair and it is not in the capital plan.

Alderman Booth thanked the Finance Committee for their efforts on the audit and feels they did a great job. He thanked Garrett Anderson for helping the downtown airport put together an RFP for a flight school as this will be great for the area. Alderman Booth thanked Jim Lawson, Joel Hornickel and Steve Dalton for a fantastic job talking to the Cantwell Neighborhood citizens about alternative ways of dealing with neighborhood crime. Mayor Presley asked if any Cantwell Neighborhood residents would like to form a neighborhood association. Jim Lawson stated they have identified approximately 8 names of people who would like to form an association.

Alderman Simmons commented he agreed with Alderman Todd about the crucial items addressed in the Capital Improvements Committee meeting. He stated he lives in the Cantwell addition and did not know what to expect from the neighborhood meetings, but commented there was a turnout of about 30 people and felt it has been a good experience. Alderman Simmons added he appreciates the City officials consulting with the residents. Jim Lawson mentioned he found it interesting that many residents had concerns for the neighborhood becoming run-down at some point since the neighborhood is getting older and stated he visited with residents who were considering moving to another neighborhood because they felt it was the only option. Mr. Lawson said he believes many residents feel the meetings will help improve their neighborhood. Alderman Simmons said he found it interesting that many of the residents liked Bob Evans restaurant in their neighborhood which made him realize that commercial development can be a positive in residential areas. He commented he feels the "No Left Turn" signs at the intersection of Hwy 76 and 3<sup>rd</sup> street is innovative and safer and feels it will work very well.

Alderman Davis stated he would like to get with Lori Helle regarding funding for storm water management and feels the items brought up at the Capital Improvements Committee meeting could provide an opportunity to complete several projects at once. Alderman Davis mentioned attending an education hike with Matt Filice and Planning and Zoning Chairman on Roark Valley Road and stated he would like to see this trail finished in order to provide alternative ways of transportation to help people commute to work who do not have vehicles. Alderman Davis stated he would eventually like to link the trail to several businesses. He commented the Stockstill Park project will begin in the next several weeks and the cost came in favorably and he hopes to maintain a good relationship with Mr. Ledbetter who owns property adjacent to Stockstill Park in hopes to eventually obtain an easement. Alderman Davis encouraged the City to not waste time and use the favorable cost condition to amend the contract in order to fully utilize budgeted funds allocated to this purpose. He added there is a need and desire to the community and visitors to finish this project.

Alderman Bohinc stated she is on the Board of the Senior Center, and commented due to the 1% tax increase there have been several benefits as the Senior Center was able to get a cook and the OATS transportation service which enables more people to attend the Senior Center. Alderman Bohinc thanked everyone who voted for this tax. She commented although she misses everyone on the Capital Improvements Committee, but stated she really enjoys the Personnel Committee and stated she is proud of Lori Helle and noticed what a difference she has made in the Finance Department.

Administrator Kruithof complimented the Finance Department for their work on the audit and thanked them for their desire to have a good report to present to the Board and felt they did an excellent job. He stated the County Commissioner is holding a meeting with SEMA on June 21<sup>st</sup> about the flood buyout program and commented it is a very long and intricate project which could take about 2 years. Administrator Kruithof said the City considered having separate meetings with SEMA regarding the flood buyout program, but decided anyone who is interested as well as the City should keep in touch with the county regarding the program. He reported a vast number of properties in the county are looking at this and there has been discussion about whether any local funding can go toward the buyout program. Administrator Kruithof stated anyone who is interested in the buyout program should attend the meeting on June 21<sup>st</sup> which will include the County and the City. He stated there was a newspaper article regarding the County withholding TIF payments and commented long before the article was written, Rick Finley and Ron Houseman have been trying to meet with Lori Helle and Administrator Kruithof and he stated the City and County are cordially working to resolve any issues as the two parties have differences of opinion. Administrator Kruithof said a number of years after TIFs were developed, the County would collect the TIF and under law would remit the money generated by the TIF to the City. He commented Rick Finley researched and found there are other cities and counties that have other formulas regarding TIFs such as the state would take a percentage of every dollar for collection and the remainder would be divided among the cities and counties. Administrator Kruithof stated although this method makes logical sense, it is contrary to what state statute requires. He said the City consulted with Gilmore & Bell who gave an opinion to Mr. Houseman and Mr. Finley which stated that statute does not allow for any withholding of state fees, but only what is generated in the TIF. Administrator Kruithof said the Board of Aldermen

City feels the method which was done in the past is the correct way according to statute and mentioned talking with Mr. Houseman and recommended having someone else take a look at this. Administrator Kruithof reported after speaking to Presiding Commissioner Houseman this morning they agreed to transmit the letter from Gilmore & Bell to the Missouri Municipal League to take a look at this and provide guidance. Administrator Kruithof said he was not sure if Mr. Houseman will talk to the county association about the legal interpretation and practices by other cities regarding TIFs. Administrator Kruithof stated from a legal standpoint, the City believes the way TIFs were previously handled is the correct way and the County believes the way other cities and counties have shifted to is the correct way. He added it is equivalent to approximately \$1200 a month difference from what the City had been collecting as opposed to what the City would be collecting and commented he hopes to have this resolved quickly. Administrator Kruithof commented this is a work in progress and believes there will be a resolution shortly. Alderman Bohinc complimented Administrator Kruithof for how he is handling this issue.

Mayor Presley reported attending the MoDOT briefing and asked Alderman Simmons if he had anything he would like to share regarding this. Alderman Simmons stated to his understanding there will be no new projects and cost sharing projects limited to approximately \$30 million a year for the entire state. Alderman Simmons added they were booked until 2015 or 2016, but if desired, bonds could be taken out in order to get projects moved up if willing to wait for the time period to get the money. He stated since there is little money, competition for those dollars will be very tight and commented he was happy to hear they aren't anticipating dropping maintenance. Alderman Simmons stated there will be less mowing as they will be mowing the same number of times, but they will not be mowing as far back off of the highway as they have been. Alderman Simmons stated he missed the early part of the meeting and asked Mayor Presley if MoDOT mentioned anything regarding what they were closing as he heard they were closing the Eastern Taney County barns and Mayor Presley said she understands they plan to keep the main office open here. Administrator Kruithof stated the satellite office here will remain open. Mayor Presley mentioned attending the Tri-States update regarding water sources and felt this was a good presentation and added this Friday is the water quality summit and one main speaker is the director of DNR. Administrator Kruithof reported he had a great discussion with the director of DNR and discussed water quality and sewer issues as the City is looking for the ability to improve sewer systems on a regional basis rather than an individual basis. Mayor Presley stated several citizens have expressed concerns about the inability to turn left on Long Street now that traffic is getting heavier in town and she asked for a review of the situation. Alderman Bohinc mentioned she noticed this as well as it is taking the trolleys downtown twice as long to complete routes. Dean stated he spoke with Bill Tirone and Mr. Tirone stated he notices traffic in this area becoming backed up around 2:00 p.m. Mayor Presley informed the Board there has been discussion regarding the events at Branson Landing in conjunction with the City's use of the town square and stated the Branson Arts Council is going to use one of the City's dates to present a flamenco guitarist. Mayor Presley wished all fathers a happy father's day and invited anyone interested in contributing to Branson's centennial celebration to attend the a kick-off committee discussion on June 21<sup>st</sup> at the Chamber of Commerce. She added the centennial celebration event will be April 1, 2012.

## **EXECUTIVE SESSION**

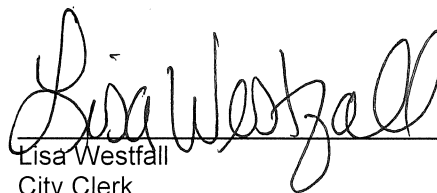
Mayor Presley entertained a motion to adjourn to a closed Executive Session. Alderman Davis moved to go into Closed Executive Session pursuant to 610.021.1 RSMo for litigation, 610.021.2 RSMo for real estate and 610.021.3 RSMo for personnel, seconded by Alderman Todd. Voting aye: Simmons, Davis, Booth, Parnell, Bohinc and Todd. Nays: none. Motion carried.

## ADJOURN

Mayor Presley asked for a motion to adjourn. Alderman Booth moved to adjourn, seconded by Alderman Davis. Voting aye: Simmons, Davis, Bohinc, Parnell, Todd and Booth. Nays: none. Motion carried. Meeting adjourned at 9:05 p.m.

A handwritten signature in black ink, appearing to read "Raeanne Presley", written over a horizontal line.

Raeanne Presley  
Mayor

A handwritten signature in black ink, appearing to read "Lisa Westfall", written over a horizontal line.

Lisa Westfall  
City Clerk